

## UPDATED INFORMATIVE DIGEST

Current law authorizes a County Child Welfare Services (CWS) agency social worker to take into and maintain temporary custody of a minor who has been declared a dependent child of the juvenile court or who the social worker has reasonable cause to believe is a child who has suffered serious harm or is at substantial risk of suffering serious harm as a result of abuse or neglect. Current law authorizes a CWS agency social worker to continue the temporary detention of a child until the child is placed or detained in the home of a relative, nonrelative extended family member or a licensed home or facility. Once a child is placed, current law imposes upon the care provider duties to provide adequate care and supervision. However, there are currently no laws or regulations which establish a duty on the CWS agency to provide adequate care and supervision to children in their custody.

These regulations are adopted now to ensure that a consistent and necessary standard of care and safety is maintained by a CWS agency for a child during the time a child is in the temporary custody of a CWS social worker. These rules are intended to fill a gap in the standard of care and supervision that exists in current CWS regulations and to minimize the potential traumatic impact of removing a child from the care of a parent, guardian or out-of-home care provider.

The proposed regulations also provide the authority for CDSS to investigate complaints related to transitional care, conduct site reviews and monitor county compliance with correction action plans.

The CDSS anticipates that the proposed regulation will provide a minor dependent child adequate care and supervision in an environment free from undue hazards which is one of the basic duties and responsibilities for County CWS Agencies outlined, and also ensuring that all adults who have contact with children have a California criminal record clearance. Ultimately, these amendments will directly improve the health and safety of California residents, especially assisting minor children in securing a brighter future ahead of them.

### Post-hearing changes:

The regulations were noticed on June 3, 2016. Testimony was received during the 45-day public comment period and changes were made to the proposed regulations as a result of the testimony. Those changes include:

Amending Section 31-137.3 to read:

- .3     The length of time a child may remain in transitional care ~~may remain in an assessment or receiving center or other unlicensed child care facility or location~~ shall be less than 24 hours.
- .31    The child's caseworker and/or any worker involved in placement of the child shall document in the child's case file any location where the child stayed for a period of 24 hours or more during the period of transitional care, and information

explaining why the child was not placed in an approved or licensed home or facility during this time period.

.311 The child's caseworker and/or any worker involved in placement of the child shall enter the child's removal time, removal date, and location in the child's case file within 12 hours of removal.